



July 10, 2002

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JUL 17 2002

FCC - MAILROOM

Western New York
Regional
Information
Center

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Re: CC Docket Nos. 96-45 and 97-21

Block 5 Funding Request Rejection

Applicant Form Identifier: Y5-124857 - 1

Form 471 Application Number: 328826

Funding Year 5: 07/01/2002 - 6/30/2003

Billed Entity: Kenmore-Tonawanda USFD

Contact Name: Susan C. Melancon

355 Harlem Road

West Seneca, NY 14224

716 821 7455

716 821 7394 Fax

smelancon@erie1.wnyric.org

Erie 1 BOCES
355 Harlem Road
West Seneca
New York
14224

Ph 716.821.7155
Fx 716.821.7204

Block 5 Funding Request:

Category of Service (Block 5, Item 11): Telecommunications Service

Service Provider Identification Number: 143000196

Service Provider Name: SW Bell Mobile Systems Inc.

Funding Commitment Request (Item 23, Column K): \$0.00

Reason for Denial: Funding request did not meet minimum processing standards. Block 5, Page 2 of 7, Items 23, Columns E, H, I and K are all blank, all contain zero, or all contain a combination of blank and/or 0.

FRN: Not Assigned

Dear Sirs:

The above-mentioned Funding Request has been appealed and denied by the SLD effective June 24, 2002, therefore we are submitting this Appeal to the FCC in the hope that that the FCC will view our request with more favorable discernment.

On the SW Bell Mobile Systems Inc. funding request, Columns E, I, and K were all blank due to a computer misprint. Even though we physically examine each application before submission, we failed to see these inadvertent omissions during the visual examination. This misprint is a mystery to us, since we process over 2000 Block 5s yearly for the school districts in Western NY, and a misprint of this nature has never occurred before. However, because Columns A, D, H, and J were **not** blank, and there was an attachment specified in Item 21 that substantiates the amount in Column A and B, we feel there was enough information on the Block 5 to process our request, therefore we are submitting this appeal to the FCC for reconsideration.

No. of Copies rec'd 6
List ABCDE

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Cattaraugus BOCES
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Allegany BOCES

We offer the following information to substantiate our request:

1. Completing Column B requires merely the ministerial act of repeating a fact readily available and easily discernable elsewhere in the application. By examining Attachment 2, a one-page document that indicates only administrators of instructional staff used the cell phones in this recurring charge, the SLD can deduce that there are no ineligible amounts to be included in Column B. Column B should contain a zero (0.)
2. Once Column B is entered, Columns E, I, and K can be completed with a minor amount of computation.
3. Kenmore-Tonawanda provided sufficiently complete answers to the remainder of its Form 471 to permit the ready discernment of the response we should have provided to Item 23 in Block 5, 2 of 7. Except for the inadvertent omission of a response to Columns B, Kenmore-Tonawanda's Form 471 reflects the diligence and good faith you expect from your applicants.

Conclusion

We realize that with all the information and applications you must process that you have to conform to specific procedures in order to expedite your work load, but at the same time, if you are going to fulfill the purpose of the E-Rate program, your processing standards must make allowances for occasional errors. It must have been obvious to the reviewer of this application that this request was legitimate because there was a partially filled-in Block 5 Form and a coordinating Attachment. This SW Bell Mobile Systems Inc. request should be processed (1) because of the ease of discerning the missing information and (2) because the goals and purpose of the SLD have always been to assist the applicant who legitimately qualifies in spite of unintentional errors. A denial of this request would not conform to the goals and purpose of the E-Rate program.

We understand that this approval only allows the Block 5 to be processed, and that our application must be further reviewed for a funding decision.

We are including a corrected Block 5, Page 2 of 7, with our appeal.

Very Truly Yours,



Susan C. Melancon
Alternate Contact Person for Mat Dziuba

Attachments:

- Original Block 5, page 2 of 7
 - Attachment 2
 - Corrected Block 5, page 2 of 7
-

Entity Number 124857
Contact Person Mat Dziuba

Applicant's Form Identifier Y5-124857-1
Phone Number (716) 821-7112

Block 5: Discount Funding Request(s)

Block 5, page 2 of 7

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts.

Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

FRN # _____ (to be assigned by administrator)

11 Category of Service (only ONE category should be checked) <input checked="" type="radio"/> Telecommunications Service <input type="radio"/> Internet Access <input type="radio"/> Internal Connections				15 Contract Number (if available; use "T" if tariffed services, "MTM" if month-to-month services as described in Instructions) MTM						
12 Form 470 Application Number (15 digits) 419030000377595				16 Billing Account Number (e.g., billed telephone number) N/A						
13 SPIN - Service Provider Identification Number (9 digits) 143000196				17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 12/07/2001						
				18 Contract Award Date (mm/dd/yyyy)						
				19a Service Start Date (mm/dd/yyyy) 07/01/2002						
				19b Service End Date (mm/dd/yyyy) (use only for "T" or "MTM" services) 06/30/2003						
14 Service Provider Name Southwestern Bell Mobile Systems, Inc.				20 Contract Expiration Date (mm/dd/yyyy)						
21 Description of This Service: You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided below. Attachment # <u>2</u>										
22 Entity/Entities Receiving This Service: a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service : _____ b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1): <u>A-1</u>										
23 Calculations										
Recurring Charges					Non-Recurring Charges			Total Charges		
A	B	C	D	E	F	G	H	I	J	K
Monthly \$ charges (total amount per month for service)	How much of the \$ amount in (A) is ineligible?	Eligible monthly pre-discount amount (A minus B)	# of months service provided in program year	Annual pre-discount \$ amount for eligible recurring charges (C x D)	Annual non-recurring (one-time) \$ charges	How much of the \$ amount in (F) is ineligible?	Annual eligible pre-discount \$ amount for one-time charges (F minus G)	Total program year pre-discount \$ amount (E + H)	% discount (from Block 4 Worksheet)	Funding Commitment \$ Request (I x J)
\$666.10			12		\$0.00	\$0.00	\$0.00		49%	



Kenmore-Tonawanda UFSD			19-Dec-01						
Cingular									
Cell Phones			Year 5						
Name	Title	School/Dept	Number of phones			Group	Rate		
			Group	Emergency	Total		Group	Emergency	Total
Karen Tavares	Principal	Edison ES	1	1	2		\$27.74	\$7.95	\$39.69
Ty Federick	Principal	Franklin ES	1	1	2		27.74	7.95	39.69
Lez Racz	Principal	Hamilton ES	0	1	1		0.00	7.95	9.95
Mark Kaiser	Principal	Holmes ES	1	1	2		27.74	7.95	39.69
Fran Paskowitz	Principal	Hoover ES	1	1	2		27.74	7.95	39.69
Bernie Moldoch	Principal	Jefferson ES	1	1	2		27.74	7.95	39.69
Linda Croglia	Principal	Lindbergh ES	1	1	2		27.74	7.95	39.69
Sandra Allen	Principal	Roosevelt ES	1	1	2		27.74	7.95	39.69
Dennis Priore	Principal	Franklin MS	1	1	2		27.74	7.95	39.69
Peg Hollstein	Principal	Hoover MS	1	1	2		27.74	7.95	39.69
Florence Kern	Principal	Kenmore MS	1	1	2		27.74	7.95	39.69
Barbara Field	Principal	Kenmore East HS	1	1	2		27.74	7.95	39.69
Doug Smith	Principal	Kenmore West HS	1	1	2		27.74	7.95	39.69
Maryann Lovullo	Supervisor Special Ed	Pupil Services	1	0	1		27.74	0.00	29.74
Alan Erzkus	Supervisor Special Ed	Pupil Services	1	0	1		27.74	0.00	29.74
Elsie Jepson	Asst Super Pupil Services	Pupil Services	1	1	2		27.74	7.95	39.69
Alan Getter	Asst Super Finance	Ad Bldg	1	0	1		27.74	0.00	29.74
Priscilla Schad	Asst Super Curriculum	Ad Bldg	1	0	1		27.74	0.00	29.74
Steven Achramovitch	Superintendent	Ad Bldg	1	0	1		27.74	0.00	29.74
Mary Ann Kermis	Asst Super-Personnel	Ad Bldg	1	0	1		27.74	0.00	29.74
Rich DeGlopper	Director-Inst Tech/Educ	Ad Bldg	1	0	1		27.74	0.00	29.74
			20	14	34		\$554.80	\$111.30	\$666.10
					34				\$666.10

Form 471, Block 5 Item 21

Attachment # 2

Kenmore-Town of Tonawanda Union Free School District

1500 Colvin Boulevard Kenmore, New York 14223-1196

(716) 874-8400 Fax (716) 874-8621

Entity Number <u>124857</u>	Applicant's Form Identifier <u>Y5-124857-1</u>
Contact Person <u>Mat Dziuba</u>	Phone Number <u>(716) 821-7112</u>

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